IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5929 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RANJANLAL CHIMANLAL SHAH

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR DS VASAVADA for Petitioner

MR SP HASURKAR for Respondent No. 1

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 07/02/2001

ORAL JUDGEMENT

1. Draft amendment tendered by the learned counsel for the petitioner, since not opposed by Shri SP Hasurkar, is granted. Necessary amendment be carried out in the main petition today.

2. This petition has been taken up for admission today. Shri DS Vasavada for the petitioner and Shri SP Hasurkar for the respondent have been heard on admission of this petition. The petition can be finally disposed of at the admission stage.

3. Large number of prayers have been made in the writ petition. After examining the averments made in the petition and further examining the reliefs claimed in the petition, I am of the view that the petition can be finally disposed of at the admission stage by granting only portion of relief-'E'. Other reliefs have to be rejected.

4. At this stage, it can not be held by this Court that the inquiry instituted against the petitioner in pursuance to the charge-sheet dated 5-8-1996 is illegal and arbitrary. This exercise has to be undertaken by the appellate authority, who had passed the order Annexure-'D'. Consequently, relief-B is refused.

5. So far relief-C is concerned, the validity of the finding of the Inquiry Officer has also to be decided by the appellate authority and not by this Court. As such, relief-C has also to be refused.

6. Relief-D can be partly allowed, inasmuch as the order of the appellate authority Annexure-'D' dated 17-3-1999 is non-speaking and has been passed without application of mind. Adequate reasons have also not been given for rejecting the appeal of the petitioner. As such, this order has to be quashed. Consequent, order should be to remand the matter to the appellate authority to hear and decide the appeal of the petitioner in accordance with rules and law, through a speaking order. With this observation, the petition is partly allowed. The order passed by the appellate authority shall be communicated in writing to the petitioner. No order as to cost.

February 7, 2001. [D.C. Srivastava, J.]

/sakkaf